

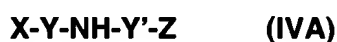
REMARKS

The present Amendment responds to the Office Action dated June 10, 2005. The Examiner set a shortened statutory period of three (3) months for filing a response. Filed concurrently herewith is a request for a three (3) month extension of time, making the present Amendment due by December 10, 2005.

At the outset, the Examiner has maintained her position with respect to the election requirement, which Applicants traversed in their previously filed response dated March 14, 2005. The Examiner acknowledges Applicants' election of species (a) and surface modifying compound formula IVA with X as NH₂, Y as polyoxypropylene, Y' as C₃H₆ and Z as sulfonate, which are readable on claims 28-32, 34, 37, and 40-43. As a consequence, claims 33, 35, 36, 38, and 39 presently stand withdrawn from further consideration.

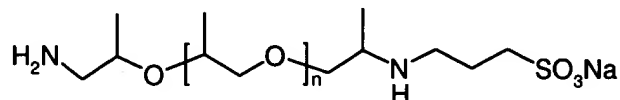
Next, the Examiner has requested that Applicants locate where in the originally filed specification support can be found for formula IVA. The Examiner's attention is directed to page 15, line 14 to page 16, line 17 of PCT/GB01/02452, also identified as WO 01/94001. The text has been repeated here, with emphasis added, for the Examiner's convenience.

In structure (IV), the group -X- is both a linking group and is capable of reacting with the wall-forming material. It is preferred that the group -X- in structure (IV) is -NH-. **Thus a general formula for a compound of structure (IV) is (IVA):-**



wherein Y and Y' may be any of the linking moieties described above or, when Z is an oxyethylene containing polymer may represent a direct link between Z- and -NH-. It will be appreciated that the reactivity of the groups -X and -NH- respectively with the wall-forming material will not necessarily be the same and, depending on the groups concerned, the primary reaction with the wall-forming material may be either via the terminal group -X or via the group -NH-. In some circumstances there may be no reaction between a group -NH- and the wall-forming material and in such a case, the group -NH- should not be regarded as a group -X-

but rather as an internal amino linking group in the moiety joining X and Z. Preferred structures of Y and Y' include independently a straight or branched chain C₁ to C₁₀ alkyl group, a polyoxyethylene, or more preferably polyoxypropylene or polyoxybutylene polymer chain of formula -(L₁)_n- as defined above or a group -(L₂)- R₉ - as defined above or a group -R₁₂-(L₂)- R₉- wherein R₉ and L₂ are as defined above and R₁₂ is a C₁ to C₄ alkyl group. Compounds of formula (IVA) are represented for example by



Raschig Poly-EPS 520-Na

(i) PolyEPS 520 available from Raschig wherein -Y- is polyoxypropylene and Y' is a C₃ alkyl group, (ii) the Michael adduct of Jeffamine 1000M (available from Huntsman) and ethylhydroxyethylacrylate wherein Z is a methyl-capped polyoxyethylene-containing polymer linked directly to -NH- and Y' is a group -R₁₂-(L₂)- R₉- as defined above in which R₉ is oxyethylene [MeOEO_nPO_mNHCH₂CH₂COOCH₂CH₂OH where n is about 18 and m is about 3] (iii) the ethoxylated adduct of Jeffamine M1000 wherein Z is a methyl-capped polyoxyethylene-containing polymer linked directly to -NH- and Y is a polyoxyethylene group [MeOEO_nPO_mNH(CH₂CH₂O)_nH] .

The Examiner objected to the form of claim 34 under 37 CFR § 1.75(c) as being an improper multiple dependent claim. Applicants have addressed the Examiner's concern by amending the claim to now be in independent form.

Claim 43 was rejected under 35 USC § 112, second paragraph as having insufficient antecedent basis for the limitation "the soil mobility". Applicants have also amended this claim to now be in independent form thereby addressing the issue of antecedent basis.

Turning now to the substantive rejections, the Examiner has rejected claims 28-31, 34, 37, and 40-42 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,465,756 to Mikami et al. Additionally, claims 28, 29, 34, and 40-43 have been rejected under 35 U.S.C. § 102(b) as

being anticipated by U.S. Patent No. 5,925,595 to Seitz et al. Applicants note with appreciation that claim 32 does not appear to stand rejected and therefore it is believed that it contains allowable subject matter. As such, Applicants have cancelled claim 32 and have rewritten the claim into independent form as new claim 44, and submit that the claim is now in condition for allowance.

Turning to the Examiner's § 102(b) rejections of the claims, Applicants respectfully disagree that the references anticipate the claims because neither reference teaches each and every element of independent claims 28, 34, and 43. MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." (MPEP § 2131, p. 2100-76). In other words, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." *Id.* As set forth in more detail below, Applicants argue that neither reference teaches a surface modifying compound that is incorporated in the polymer resin having formula IVA as defined in the claims. Accordingly, Applicants request that the Examiner reconsider the § 102(b) rejection of the claims in view of the following arguments.

Turning first to Mikami et al., the Examiner notes that the reference teaches an anionic surface-active agent, namely sodium tetradecylamidophenylsulfonate, which can be incorporated into the shell wall of the electrostatographic toner material disclosed in the reference. However, Applicants respectfully disagree that sodium tetradecylamidophenylsulfonate reads on formula IVA as that formula is defined in independent claims 28, 34, and 43. Formula IVA is as follows:



Sodium tetradecylamidophenylsulfonate corresponds to the respective elements of formula IVA as follows:

X = sodium

Y = C₁₄H₂₈

Y' = phenyl

Z = sulfonate

As such, sodium tetradecylamidophenylsulfonate cannot anticipate independent claims 28, 34, or 43 because X, Y, and Y' are outside the defined scope of those values. Particularly, claims 28, 34, and 43 do not define X to include sodium. Also, none of claims 28, 34, and 43 define Y to include a straight or branched alkyl chain of more than ten (10) carbons. Since tetradecane has fourteen (14) carbons, it is outside the scope of the definition for Y. Nor do any of independent claims 28, 34, or 43 define Y' to include the phenyl group. Accordingly, sodium tetradecylamidophenylsulfonate does not read on formula IVA. Consequently, the Mikami et al. reference does not anticipate independent claims 28, 34, or 43 and, as such, does not anticipate their respective dependent claims.

Turning now to the Seitz et al. reference, the Examiner notes in the Office Action that the reference teaches that colloids are included in the polyurea shell, and specifically highlights sulfonated naphthalene-formaldehyde condensates, modified starches and calcium and sodium lignosulfonates. Similar to the arguments set forth above with respect to the Mikami et al. reference, Applicants respectfully submit that none of these identified colloids have the formula IVA as that formula is defined by independent claims 28, 34, and 43. As such, the reference does not anticipate these independent claims or their respective dependent claims. However, Applicants reserve the right to address the Examiner's position should the Examiner be able to further explain her position by specifically identifying the values of X, Y, Y', and N of those colloids believed to be readable upon formula IVA.

Finally, Applicants note for the Examiners attention that an inadvertent error was corrected for formula IA. As originally filed, the value Y1 was defined to include phenyl. Applicants have now amended the definition of Y1 to exclude phenyl so as not to duplicate formula ID.

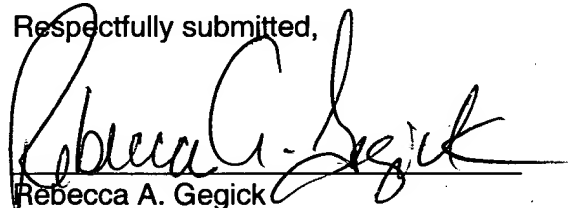
Based upon the foregoing then, neither the Mikami et al. or Seitz et al. references anticipate the pending claims of the application and respectfully request that the Examiner withdraw the § 102(b) rejections. Applicants believe that all pending and examined claims are complete condition for allowance and action to that end is courteously solicited. In addition, due to this Amendment, an extra claim fee is required for the addition of new independent claim 44, as show in the following claims fee calculation.

Total Claims This Amendment		Total Claims Previously Paid For	Claim Fees Due
16	—	27	0 x \$50.00 = \$0.00
Total Independent Claims This Amendment		Total Independent Claims Previously Paid For	
4	—	3	1 x \$200.00 = \$200.00
Total:			\$200.00

No other fees are believed to be payable at this time. However, the Commissioner is authorized to debit any applicable fees from the deposit account of the undersigned, No. 50-1676 in the name of Syngenta Crop Protection, Inc.

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Respectfully submitted,


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Date: December 7, 2005